

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION

CLERK'S OFFICE U.S. DISTRICT COURT  
AT ALEXANDRIA, VA  
FILED

MAY 18 2020

USA

SULLIVAN DODD CLERK  
BY: *JF* *Allaire*  
DEPUTY CLERK

v.

Case No. 2:18-cr-00003

ROY LEE DYKES,

Defendant.

MOTION FOR RECONSIDERATION

Defendant received the Court's Opinion and Order (Doc. 767) on May 12, 2020, one week after the Court entered a denial (May 5, 2020) pursuant to USC § 3582 (c)(1)(A).

Defendant Ray Lee Dykes, respectfully requests this Honorable Court not to rely on a statute or nonexisting caselaw in reference to defendant's Motion(s), but rather, rely on actual facts which are now known to this Court. Defendant asks the Court to turn its attention to an article in the 'Washington Post', April 15, 2020, METRO SECTION, B4. The article is about the first inmate who died in the Washington D.C. jail, from the COVID-19 on April 13, 2020. The deceased - I'll call Mr. C. - had been in jail since 2018 for an alleged violent crime. He was fifty-one (51) years old, Black, had a chronic illness (diabetes), and contracted the COVID-19 while his petition was pending before that court. Mr. C. died before the court ruled because the virus does not have a timeline and it's color blind. Like Mr. C., defendant is Black, has chronic health conditions (plus was being under doctor's care for cancer when incarcerated in 2018); but, unlike Mr. C., defendant is sixty-two years old, is in a prison with known cases of COVID-19, and has constant exposure

daily to potential carriers, plus the very unit which houses inmates on quarantine (from the same jail Mr. C. contracted the COVID-19) is one floor above Defendants housing unit and has the same ventilation unit.

Defendant asks the Court to grant him a permanent or temporarily release to be placed in home confinement. Defendant did not ask for a compassionate release because of being sick but asked for a modification in his sentence so he will not get sick in the prison community.

The First Step Act of 12/21/18 gave this Court full control and continued jurisdiction to modify Defendants sentence. 18 USC 3582(c)(1)(B). The COVID-19 releases have not been dictated by BOP administrative remedies because the medical community knows that avoidance of others is crucial to survival. Defendant requests this Court not to put him on a waiting - being that this Court knows Defendant is a high risk person, is eligible for home confinement placement, and this Court has the authority to grant Defendants Motion instanter. No law or administrative remedy prohibits this Court from protecting Defendant from the COVID-19 virus.

Respectfully submitted this 13<sup>th</sup> day of May, 2020,

Roy Dykes

Ray Lee Dykes, 22105-084

CERTIFICATE OF SERVICE

I served a true and exact copy of this document upon the party of interest by way of the U.S. Mail to: Honorable James P. Jones, 180 W. Main St. 104, Abingdon, VA 24210. This 13<sup>th</sup> day of May, 2020.

Roy Dykes/Ray Lee Dykes